

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-334-T - ORDER NO. 2009-138

MARCH 17, 2009

IN RE: Application of Upstate Storage Partners,) ORDER AMENDING
LLC to Amend Class E (Household Goods)) CERTIFICATE NO. 9278
Certificate of Public Convenience and) BY EXTENDING
Necessity No. 9728) OPERATING
) AUTHORITY

This matter comes before the Public Service Commission of South Carolina (“Commission”) on an application of Upstate Storage Partners, LLC (“Upstate” or “Applicant”) to amend the scope of authority of its Class E (Household Goods) Certificate No. 9728. Upstate is currently authorized to serve Cherokee, Greenville, Spartanburg, Oconee, Pickens, Laurens, Union, and Anderson Counties and seeks to expand its authority to York, Newberry, McCormick, Greenwood and Abbeville Counties. Notice of this matter was published in the *Greenville News* newspaper on September 13, 2008. No parties intervened, and a hearing was held on February 10, 2009, in the offices of the Commission.

The parties at the hearing included the applicant, Miles Russ, represented by Rivers Stillwell, Esquire, and the Office of Regulatory Staff (“ORS”), represented by Jeff Nelson, Esquire. Witnesses for Upstate included Miles Russ, Phil Roper, and Dr. Giles Schannon. Witnesses for ORS included George Parker, Manager of ORS’s

Transportation Department, and Patty Vowell, an inspector with ORS's Transportation Department.

During the hearing, Russ testified that he is an owner of Upstate, which operates as a portable on-demand storage ("PODS") franchise. Russ stated that he seeks to expand Upstate's operating authority to York, Newberry, McCormick, Greenwood and Abbeville Counties because brand recognition in PODS has garnered a great deal of interest for his company in these areas. Dr. Schannon acted as a shipper witness for the applicant and testified to the need for additional household moving resources in the areas where Upstate seeks to expand.

George Parker testified that he had no objections to extending the operating authority of Upstate and stated that he found the applicant's storage facility and equipment to be clean and in good working order. However, it became apparent through his and other testimony that Upstate has had numerous violations in delivering PODS to areas outside of their currently approved territory. The Commission discovered that customers will have a POD container stored in Upstate's storage facility before knowing where they will move, and Upstate must occasionally deliver PODS to areas outside the scope of its authority in order to reunite its customers with their belongings. The applicant eventually stated that the request for expanded operating authority will help address this problem.

At the close of the hearing, the Commission asked ORS to investigate whether any outstanding violations existed and determine whether Upstate was in compliance

with all relevant South Carolina statutes and regulations. ORS submitted the results of its audit on February 19, 2009, showing no outstanding violations and full compliance.

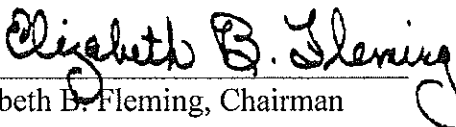
As there are no current outstanding violations against Upstate, We find that it is in the public interest to grant Upstate extended operating authority to better serve their customer base and avoid future violations. We further find that a need exists for additional movers in the area where extended operating authority is sought and the public convenience and necessity will be served by approving the application.

IT IS THEREFORE ORDERED:


1. The relief sought in the request for modification of Class E (Household Goods) Certificate of Public Convenience and Necessity No. 9278 of Upstate Storage Partners, LLC by changing the scope of operating authority from between points and places in Cherokee, Greenville, Spartanburg, Oconee, Pickens, Laurens, Union, and Anderson Counties, South Carolina to also include York, Newberry, McCormick, Greenwood and Abbeville Counties is approved.
2. This approval is for a change in the area to be served as authorized by such Certificate, but does not otherwise authorize any change in the operation of the regulated services.
3. The modified motor carrier services authorized by such Certificate may not be provided under the amendment approved by this Order prior to compliance with all relevant statutory and regulatory requirements.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)